

Hon. John H. Chun

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

Mr. Kurt A. Benshoof, A.R.W. By and Through
His Father, Mr. Kurt A. Benshoof, Brett
Fountain, Urve Maggitti,

Plaintiffs,

vs.

ANDREA CHIN, ANTHONY BELGARD,
DONOVAN BROUSSARD, NATHAN
CLIBER, CATHERINE CORNWALL,
GREGG CURTIS, JANE DOE, JENNY
DURKAN, JOHN DUUS, NICHOLAS
EVANS, PASCAL HERZER, RYAN ELLIS,
MICHAEL FOX, TYLER GOSLIN, JULIE
KLINE, ERNEST JENSEN, JONATHAN
KIEHN, SPENCER KURZ, MAGALIE
LERMAN, RICHARD LIMA, ADAM
LOSLEBEN, YVES LUC, SARAH
MACDONALD, JACOB MASTERSON,
GRANT MAYER, STEVEN MITCHELL,
JOHNATHAN MUSSEAU, BREHON NESS,
LILIYA NESTERUK, STEPHEN
OKRUHLICA, KATRINA OUTLAND,
JESSICA OWEN, SARAH PENDLETON,
DWAYNE PIRAK, BRIAN REES, BLAIR
RUSS, JULIE SALLE, DANIEL SCHILLING,
TY SELFRIDGE, NATHAN SHOPAY,
STEVEN STONE, MICHAEL TRACY,

No. 2:24-CV-00808-JHC

CITY OF SEATTLE'S REPLY TO
PLAINTIFF'S RESPONSE TO CITY OF
SEATTLE'S MOTION FOR
RECONSIDERATION & MOTION TO
SEAL

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RESPONSE TO CITY OF SEATTLE'S MOTION FOR
RECONSIDERATION & MOTION TO SEAL - 1
2:24-CV-00808-JHC

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MELANIE TRATNIK, SARAH TURNER,
TREVOR TYLER, MICHAEL VIRGILIO,
ANDREW WEST, CHAD ZENTNER, In Their
Individual Capacities, CITY OF SEATTLE,
KING COUNTY,

Defendants.

The City of Seattle (“the City”) respectfully submits this Reply in support of its Motion for Reconsideration and Motion to Seal. Dkt. #74.

I. ARGUMENT & AUTHORITY

A. The City has standing.

The City has standing because it is a named party. Standing is a requirement that plaintiffs must establish; named defendants need not prove standing. *See Lujan v. Defs. of Wildlife*, 504 U.S. 555, 561, 112 S. Ct. 2130, 2136, 119 L. Ed. 2d 351 (1992) (“The party invoking federal jurisdiction [Plaintiff] bears the burden of establishing these elements [of standing].”). Further, the City has accepted the jurisdiction of the Court and is not raising personal jurisdiction, which is an affirmative defense that may be waived. *Benny v. Pipes*, 799 F.2d 489, 492 (9th Cir. 1986) (noting that an appearance is an affirmative act “by which the party comes into court and submits to the jurisdiction of the court.”). As such, the City has standing and this Court has personal jurisdiction over the City to hear its motion.

B. The City complied with the Local Civil Rules.

The City complied with the requirements of Local Civil Rule (LCR) 7(h) in filing its Motion for Reconsideration. The City was not an original party to the lawsuit. Dkt. #'s 1; 68. Judge Whitehead’s order could not have been brought to this Court’s attention earlier. *See Order Declaring Plaintiff Benshoof a Vexatious Litigant at 13, Benshoof v. Admon*, No. 2:23-cv-1392 JNW (W.D. CITY OF SEATTLE’S REPLY TO PLAINTIFF’S RESPONSE TO CITY OF SEATTLE’S MOTION FOR RECONSIDERATION & MOTION TO SEAL - 2 2:24-CV-00808-JHC

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1 Wash. Feb. 11, 2025). The facts and circumstances of this case are “highly unusual.” The City has
2 met the requirements for reconsideration under LCR 7(h).

3 The City complied with the requirements of Local Civil Rule (LCR)(A) and (B) in filing its
4 Motion to Seal. The City attempted to meet and confer with Plaintiff prior to filing the motion but
5 was unsuccessful. Dkt. # 75. The City is seeking to have the home addresses of the individual
6 Defendants redacted from the court record. Filing individual Defendants’ home addresses in the
7 public court record serves no legitimate purpose.

8 **C. The City is acting in good faith.**

9 The City’s motion is neither procedurally improper nor made in bad faith. The City is bringing
10 to the Court’s attention a contemporaneous order declaring Plaintiff a vexatious litigant in this
11 District, which is new information and should be considered in redetermining Plaintiff’s Motion for
12 Leave to Amend.

13 **II. CONCLUSION**

14 The City respectfully requests that this Court grant the Motion for Reconsideration and
15 Motion to Seal, denies Plaintiff’s Motion to Amend, and seals or redacts the named Defendants’ home
16 addresses from the court record.

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CERTIFICATE OF COMPLIANCE

I certify that this City's Reply to Plaintiff's Response to City's Motion for Reconsideration & Motion to Seal contains 401 words in compliance with the Local Civil Rules of the King County Superior Court as amended September 1, 2024.

DATED this 7th day of March, 2025.

ANN DAVISON
Seattle City Attorney

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Attorneys for Defendant City of Seattle

CERTIFICATE OF SERVICE

I certify that on the 7th day of March, 2025, I caused a true and correct copy of this document to be served on the following in the manner indicated below:

<p>Kurt Benshoof 22701 42nd Place W, Mountlake Terrace, WA 98043 206-460-4202</p> <p><i>[Pro Se Plaintiff]</i></p>	<p><input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> CM/ECF <input type="checkbox"/> ABC Legal Messengers <input type="checkbox"/> Faxed <input type="checkbox"/> Via Email: kurtbenshoof@gmail.com; kurtbenshoof1@gmail.com</p>
<p>Brett Fountain 2100 W NW HWY, 114 #1115 Grapevine, TX 76051-7808</p> <p><i>[Pro Se Plaintiff]</i></p>	<p><input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> CM/ECF <input type="checkbox"/> ABC Legal Messengers <input type="checkbox"/> Faxed <input type="checkbox"/> Via Email:</p>
<p>Urve Maggitti 244 BLACKBURN DR Berwyn, PA 19312 917-340-0561</p> <p><i>[Pro Se Plaintiff]</i></p>	<p><input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> CM/ECF <input type="checkbox"/> ABC Legal Messengers <input type="checkbox"/> Faxed <input type="checkbox"/> Via Email: urve.maggitti@gmail.com</p>
<p>Darren A Feider Monica Ghosh Darren Anthony Feider SEBRIS BUSTO JAMES 15375 SE 30TH Pl, Ste 310 Bellevue, WA 98007 425-450-3382</p> <p><i>[Attorney for Fox, Goslin, Mitchell]</i></p>	<p><input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> CM/ECF <input type="checkbox"/> ABC Legal Messengers <input type="checkbox"/> Faxed <input type="checkbox"/> Via Email: dfeider@sbj.law mghosh@sbj.law</p>
<p>Michael C Tracy Sarah N Turner GORDON REES SCULLY MANSUKHANI LLP (SEATTLE) 701 Fifth Avenue, Suite 2100 Seattle, WA 98104 206-659-5135</p> <p><i>[Attorney for Cliber, Russ]</i></p>	<p><input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> CM/ECF <input type="checkbox"/> ABC Legal Messengers <input type="checkbox"/> Faxed <input type="checkbox"/> Via Email: mtracy@grsm.com sturner@grsm.com</p>

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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Peggy C Wu KING COUNTY PROSECUTING ATTORNEY'S OFFICE (FIFTH AVE) 701 Fifth Avenue, Suite 600 Seattle, WA 98104 206-263-4008 <i>[Attorney for Cornwall, Herzer, Salle, and King County]</i>	<input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> CM/ECF <input type="checkbox"/> ABC Legal Messengers <input type="checkbox"/> Faxed <input type="checkbox"/> Via Email: pwu@kingcounty.gov
	Howard Brown 1003 West Michigan Street Hammon, LA 70401 <i>[Pro Se Interested Party]</i>	<input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> CM/ECF <input type="checkbox"/> ABC Legal Messengers <input type="checkbox"/> Faxed <input type="checkbox"/> Via Email:

/s/ Grace Selsor

Grace Selsor, Legal Assistant